

# Exhibit A

**TO THE WRIT CLERK:  
A WRIT IS HEREBY WAIVED. DO NOT ISSUE A NOTICE OF SUIT DIRECTED  
TO THE SHERIFF BECAUSE NONE OF THE DEFENDANTS IN THIS CASE  
ARE LOCATED WITHIN PENNSYLVANIA**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
Defendant

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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-

TYPE OF PLEADING:  
Plaintiff's Original Complaint

FILED BY:  
Stewart N. Abramson  
Plaintiff

Counsel of Record:  
Stewart N. Abramson, Pro Se

ADDRESS:  
522 Glen Arden Drive  
Pittsburgh, PA 15208  
412-362-4233 (voice)  
412-362-7668 (fax)

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN OBTAIN LEGAL HELP. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE.

LAWYER REFERRAL SERVICE – THE ALLEGHENY COUNTY BAR ASSOCIATION  
920 CITY-COUNTY BUILDING – 414 GRANT STREET  
PITTSBURGH, PENNSYLVANIA 15219  
412-261-5555

**HEARING NOTICE**

YOU HAVE BEEN SUED IN COURT. The above Notice To Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice To Defend, a hearing before a board of arbitrators will take place in Room 702 of the City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania on \_\_\_\_\_, at 9:00 AM. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

**DUTY TO APPEAR AT THE ARBITRATION HEARING**

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**NOTICE:** YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-

**PLAINTIFF'S ORIGINAL COMPLAINT**

**The Facts Related to this Case:**

1. At all times material, Plaintiff Stewart N. Abramson (hereinafter referred to as Plaintiff and/or Abramson) was an individual residing in Allegheny County, Pennsylvania at 522 Glen Arden Drive, Pittsburgh, PA 15208.
2. At all times material, Defendant Evolve Bank & Trust (hereinafter referred to as Defendant and/or Evolve Bank & Trust) was originally registered with the Arkansas Secretary of State (Filing Number 200000192).
3. At all times material, Defendant Evolve Bank & Trust did business using the Internet web sites [www.evolvepo.com](http://www.evolvepo.com) and [www.getevolved.com](http://www.getevolved.com).
4. At all times material, Defendant Evolve Bank & Trust did business at 5930 Venture Drive, Dublin, OH 43017.
5. At all times material, Casey Cline was employed by Defendant Evolve Bank & Trust as a Senior Loan Officer.
6. On 7/2/13 Plaintiff received a telephone call on his cellular telephone (hereinafter referred to as **THE CALL**). Plaintiff answered **THE CALL** and said "Hello". There was a 2 to 3 second pause before a live telemarketing representative responded to Plaintiff's greeting, indicative of a telemarketing call that was made by an automatic telephone dialing system commonly known as a predictive dialer. Plaintiff spoke with a telemarketing agent who took some personal financial information concerning his home mortgage. The telemarketing agent then did a 3-way transfer of Plaintiff to a man who identified himself as Casey Cline. During the 3-way conversation the telemarketing agent passed on to Casey Cline all of the personal financial information that Plaintiff had provided. Casey Cline then informed Plaintiff that he and the telemarketing agent both worked for Defendant Evolve Bank & Trust, and that Plaintiff could call him back at 614-766-5709. Plaintiff subsequently called Casey Cline back at 614-766-5709, and Casey Cline subsequently e-mailed Plaintiff information about Defendant Evolve Bank & Trust.

**The Law Related to this Case:**

7. The Telephone Consumer Protection Act of 1991 (47 USC 227), and the Federal Communication Commission's (FCC's) rules promulgated under that Act (47 CFR 64.1200, 64.1601, and 68.318), are hereinafter referred to collectively as the TCPA.
8. The TCPA is a Federal Act of Congress that provides individuals with a private right of action in their State Courts. The Court of Common Pleas of Allegheny County is an appropriate State Court to hear a cause of action brought under the TCPA (*Abramson v. Aegis Ins. Agency, Inc.*, 153 P.L.J. 174, WL 5088151).
9. Plaintiff intends to serve Defendants located outside the Commonwealth of Pennsylvania by certified mail, return receipt requested, pursuant to Pa. R.C.P. 402, 403, 404, 405, and 424 (*Abramson v. Satellite Systems Network*, AR-05-001510, Memorandum Order, Judge Wettick, April 15, 2005; *Reichert v. TRW*, 385 Pa. Super. 416, 561 A.2d. 745 (1989), reviewed on other grounds, 531 pa. 193, 611 A.2d. 1191 (1992); *Goodrich-Amram*, Standard Pennsylvania Practice, 2d, sections 403:1, 404(2):1, and 424:4 (2001)).
10. The Commonwealth of Pennsylvania retains personal jurisdiction over Defendants located in foreign States even if those Defendants are alleged to have directed only a single telephone call into the State of Pennsylvania in violation of the TCPA (*Abramson v. Perfekt Marketing*, 2007 TCPA Rep. 1547; *Abramson v. Royalty Holidays*, 2006 TCPA Rep. 1447, AR-05-008412).
11. The TCPA at 47 USC 227(b)(1)(A)(iii) states the following:
  - (b) Restrictions on use of automated telephone equipment
    - (1) Prohibitions. It shall be unlawful for any person within the United States or any person outside the United States if the recipient is within the United States
      - (A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice
      - (iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call.
12. The TCPA provides a private right of action at 47 USC 227(b)(3) for violations of 47 USC 227(b)(1)(A)(iii) which states that:

A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State --

  - (A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,
  - (B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or
  - (C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

13. The term "willful" is defined at 47 USC 312(f)(1) as:

"The conscious and deliberate commission or omission of [an] act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act."

**Prayer for Relief:**

14. Plaintiff alleges that Defendant Evolve Bank & Trust, or an agent acting on their behalf, initiated or made **THE CALL** to Plaintiff's cellular telephone using an automatic telephone dialing system, without Plaintiff's prior express consent, in violation of 47 USC 227(b)(1)(A)(iii).

15. Pursuant to 47 USC 227(b)(3), Plaintiff hereby requests that the court award the minimum mandatory statutory damages of \$500.00 from Defendant Evolve Bank & Trust for a single violation of 47 USC 227(b)(1)(A)(iii).

16. Plaintiff alleges that the actions and omissions of Defendant Evolve Bank & Trust was conscious and deliberate, and that they violated 47 USC 227(b)(1)(A)(iii) of the TCPA willfully.

17. Pursuant to 47 USC 227(b)(3), Plaintiff hereby requests that the court treble the requested minimum mandatory statutory damages of \$500.00 to the maximum statutory damages allowed by law of \$1,500.00.

**WHEREFORE**, Plaintiff Stewart N. Abramson requests judgment in his favor, and against Defendant Evolve Bank & Trust, for \$1,500.00 plus all reasonable court costs and attorney's fees.

e-filed: Stewart Abramson  
Stewart N. Abramson, Plaintiff

7/29/13  
Date

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
Defendant

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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-

**VERIFICATION**

Plaintiff Stewart N. Abramson verifies, pursuant to 18 Pa. C.S. Section 4904, that the facts set forth in the foregoing Plaintiff's Original Complaint are true and correct to the best of his knowledge, information and belief.

e-filed: Stewart Abramson  
Stewart N. Abramson, Plaintiff

7/29/13  
Date

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
Defendant

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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-003227

TYPE OF PLEADING:  
Verification of Service

FILED BY:  
Stewart N. Abramson  
Plaintiff

Counsel of Record:  
Stewart N. Abramson, Pro Se

ADDRESS:  
522 Glen Arden Drive  
Pittsburgh, PA 15208  
412-362-4233 (voice)  
412-362-7668 (fax)



**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
Defendant

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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-003227

**VERIFICATION OF SERVICE**

Plaintiff hereby verifies, pursuant to 18 Pa. C.S. Section 4904, that based upon his knowledge, and from personal examination of the attached certified USPS mail receipts, and the attached print out from the USPS Track & Confirm web site, that:

Defendant Evolve Bank & Trust was served with a copy of Plaintiff's Original Complaint and a Notice to Defend on 7/31/13 at 11:43 AM at 5930 Venture Drive, Suite D, Dublin, OH 43017.

Defendant Evolve Bank & Trust was served with a copy of Plaintiff's Original Complaint and a Notice to Defend on 8/2/13 at 12:32 AM at 6070 Poplar Avenue, Suite 200, Memphis, TN 38119.

e-filed: Stewart Abramson  
Stewart N. Abramson, Plaintiff

8/26/13  
Date

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
Defendant

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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-003227

**CERTIFICATE OF SERVICE**

Plaintiff hereby verifies, Pursuant to 18 Pa C.S. Section 4904, that a true and correct copy of the forgoing Verification of Service was served by regular USPS mail on 8/26/13 to the Defendant Evolve Bank & Trust at Defendant's addresses of:

Evolve Bank & Trust  
5930 Venture Drive, Suite D  
Dublin, OH 43017

Evolve Bank & Trust  
6070 Poplar Avenue, Suite 200  
Memphis, TN 38119

e-filed: Stewart Abramson  
Stewart N. Abramson, Plaintiff

8/26/13  
Date



Search USPS.com or Track Packages

Quick Tools  
Track & Confirm  
Enter up to 10 Tracking # Find  
Find USPS Locations  
Buy Stamps  
Schedule a Pickup  
Cancel a Pickup  
Find a ZIP Code™  
Hold Mail  
Change of Address

GET EMAIL UPDATES

PRINT DETAILS

## YOUR LABEL NUMBER

7010309000091068873

## SERVICE

Priority Mail 2-Day™

## STATUS OF YOUR ITEM

Delivered

## DATE &amp; TIME

July 31, 2013, 11:43 am

## LOCATION

DUBLIN, OH 43017

## FEATURES

Scheduled Delivery Day:  
July 31, 2013  
Certified Mail™  
Return Receipt

Arrival at Unit

July 31, 2013, 7:47 am

DUBLIN, OH 43016

Depart USPS Sort Facility

July 31, 2013

COLUMBUS, OH 43218

Processed through USPS Sort Facility

July 31, 2013, 4:01 am

COLUMBUS, OH 43218

Processed at USPS Origin Sort Facility

July 29, 2013, 8:54 pm

WARRENDALE, PA 15086

Dispatched to Sort Facility

July 29, 2013, 6:45 pm

PITTSBURGH, PA 15217

Acceptance

July 29, 2013, 3:11 pm

PITTSBURGH, PA 15217

U.S. Postal Service  
CERTIFIED MAIL RECEIPT  
(Domestic Mail Only. No Insurance Coverage Provided)  
For delivery information visit our website at www.usps.com

**OFFICIAL USE**

Postage \$ 0017  
Certified Fee \$ 0.00  
Return Receipt Fee (Endorsement Required) \$ 0.00  
Restricted Delivery Fee (Endorsement Required) \$ 0.00  
Total Postage & Fees \$ 0017

Sent to  
Evolve Bank & Trust  
Street, Apt. No. or PO Box No. 5930 Venture Drive, Suite D  
City, State, ZIP+4 Dublin, OH 43017

Postmark Here  
07/29/2013

7010 3090 0000 0000 0000 0000

**SENDER: COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
■ Print your name and address on the reverse so that we can return the card to you.  
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Evolve Bank & Trust  
5930 Venture Drive, Suite D  
Dublin, OH 43017**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent ☐ Addressee  
B. Received by (Printed Name) C. Date of Delivery  
D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
(Transfer from service label)  
7010 3090 0000 9106 8873

PS Form 3811, February 2004  
Domestic Return Receipt  
102685-02-01-1540

USPS.COM®

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Quick Tools  
Track & Confirm  
Enter up to 10 Tracking # Find  
Find USPS Locations  
Buy Stamps  
Schedule Pickup  
Calculate  
Find a ZIP Code™  
Hold Mail  
Change of Address  
GET EMAIL UPDATES PRINT DETAILS

Stop a Package Send Mail Manage Your Mail Ship Business Solutions

**Track & Confirm**

YOUR LABEL NUMBER: 70103090000091068859

SERVICE: Priority Mail 2-Day™

STATUS OF YOUR ITEM: Delivered

DATE & TIME: August 2, 2013, 10:32 am

LOCATION: MEMPHIS, TN 38119

FEATURES: Scheduled Delivery Day: July 31, 2013  
Certified Mail™  
Return Receipt

Arrival at Unit: August 2, 2013, 5:20 am MEMPHIS, TN 38119

Depart USPS Sort Facility: August 1, 2013 MEMPHIS, TN 38136

Processed through USPS Sort Facility: August 1, 2013, 6:24 pm MEMPHIS, TN 38136

Depart USPS Sort Facility: July 31, 2013 MONTGOMERY, AL 36119

Processed through USPS Sort Facility: July 31, 2013, 6:48 pm MONTGOMERY, AL 36119

Depart USPS Sort Facility: MONTGOMERY, AL 36119

Processed at USPS Origin Sort Facility

Dispatched to Sort Facility

Acceptance

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

**OFFICIAL USE**

Postage \$5.60  
Certified Fee \$3.10  
Return Receipt Fee (Endorsement Required) \$2.55  
Restricted Delivery Fee (Endorsement Required) \$0.00  
Total Postage & Fees \$11.25

Postmark Here

Sent To: **Evolve Bank & Trust**  
Street, Apt. No., or PO Box No.: **6070 Poplar Ave. Suite 200**  
City, State, ZIP+4: **Memphis, TN 38119**

PS Form 3811, February 2004

**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
Print your name and address on the reverse so that we can return the card to you.  
Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Evolve Bank & Trust**  
**6070 Poplar Avenue, Suite 200**  
**Memphis, TN 38119**  
**381**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *[Signature]*  
B. Received by (Printed Name): *[Name]*  
C. Date of Delivery: *8/2/13*  
D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.  
4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number (Transfer from service label): **7010 3090 0000 9106 8859**

PS Form 3811, February 2004

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
Defendant

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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-003227

**TYPE OF PLEADING:**

Important 10 Day Notice of  
Intent to File Praeipce to  
Enter Judgment by Default

**FILED BY:**

Stewart N. Abramson  
Plaintiff

**Counsel of Record:**

Stewart N. Abramson, Pro Se

**ADDRESS:**

522 Glen Arden Drive  
Pittsburgh, PA 15208  
412-362-4233 (voice)  
412-362-7668 (fax)

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

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Defendant

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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-003227

**IMPORTANT 10 DAY NOTICE, PURSUANT TO RULE 237.1(a)(2),  
OF INTENT TO FILE PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

**IMPORTANT NOTICE**

**YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN  
APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH  
THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH  
AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS  
NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING  
AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU  
SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A  
LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING  
OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:**

**LAWYER REFERRAL SERVICE  
The Allegheny County Bar Association  
920 City-County Building  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

Stewart N. Abramson  
Plaintiff

v.

Evolve Bank & Trust  
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CIVIL DIVISION  
ARBITRATION DOCKET  
No. AR-13-003227

**CERTIFICATE OF SERVICE**

Plaintiff hereby verifies, Pursuant to 18 Pa C.S. Section 4904, that a true and correct copy of the forgoing Important 10 Day Notice of Intent to File Praecipe to Enter Judgment by Default was served by regular USPS mail on 8/26/13 to the Defendant Evolve Bank & Trust at Defendant's addresses of:

Evolve Bank & Trust  
5930 Venture Drive, Suite D  
Dublin, OH 43017

Evolve Bank & Trust  
6070 Poplar Avenue, Suite 200  
Memphis, TN 38119

e-filed: Stewart Abramson  
Stewart N. Abramson, Plaintiff

8/26/13  
Date